

Tuesday, December 15, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.**

**Consent Agenda – Review and Approval:**

**1-27.** This is the time set for consideration of the Consent Agenda.

**Chairperson Arnold:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 27 on the following vote is indicated for each item.

**Motion by:** Adam Hill  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Bid Opening:**

- 1.** Letter transmitting plans and specifications (Clerk’s File) for 2015-16 Asphalt Overlay Various South County Roads for project approval, advertisement for construction bids, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday, January 14, 2016. District 4.

**The Board approves as recommended by the County Administrative Officer.**

- 2.** Letter transmitting plans and specifications (Clerk’s File) for 2015-16 Asphalt Overlay Various North County Roads for project approval, advertisement for construction bids, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday, January 21, 2016. Districts 1 and 5.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Administrative Office Items:**

- 3.** Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

**Mr. Eric Greening:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

- 4.** Request to approve a renewal agreement with MarketCher to provide administrative services to the San Luis Obispo County Tourism Business Improvement District (CBID) in the amount of \$125,340 per year for two years (January 1, 2016 through December 31, 2017). All Districts.

**Mr. Gary Kirkland:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

5. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Bram Winter to replace Marjorie Ott on the CBID Advisory Board for the remaining two years of her four year term. All Districts.

**Mr. Gary Kirkland:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

6. Request for approval to apply for Federal Fiscal Year 2015 Homeland Security Grant Program funds in the amount of \$352,388 and approval of a required grant document. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

7. Submittal of the report for the Henkels & McCoy, Inc. Workforce Investment Act Annual Fiscal and Procurement Review for program years 2013-2014 and 2014-2015. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

8. Request to authorize an Agreement to Purchase Tax-Defaulted Land, Sale Number 237; and to approve a budget adjustment in the amount of \$15,600 from General Fund contingencies to FC 116 - Central Services by 4/5 vote, to purchase five (5) parcels of tax-defaulted land located in the paper subdivisions above Cayucos and one (1) parcel of tax-defaulted land located in rural South County. Districts 2 and 4.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

9. Submittal of a resolution accepting notice and approving a sealed bid sale, Sale Number 238, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-337, adopted.**

10. Submittal of a resolution accepting notice and approving an internet public auction, Sale Number 239, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-338, adopted.**

**Consent Agenda - Clerk-Recorder Items:**

11. Submittal of a resolution approving the conflict of interest codes for Local Agencies wholly located within the County. All Districts.

**Mr. Greg Grewal:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-339, adopted.**

**Consent Agenda - Health Agency Items:**

12. Request to approve three re-appointments to the Board of Directors of the Santa Barbara San Luis Obispo Regional Health Authority (CenCal Health). All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

13. Submittal of a resolution approving a new land conservation contract for James Procter - 2980 Atascadero Road (Highway 41) approximately 4.5 miles east of the City of Morro Bay; pursuant to the California Land Conservation Act of 1965; exempt from CEQA, Class 17. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-340, adopted.**

14. Request to approve: 1) contract renewals to the Energy Watch Partnership Program contracts for \$633,500 to extend the PG&E contracts through the calendar year of 2017 and the SoCalGas contract through the calendar year of 2016; 2) a contract renewal to the emPower Program Contract for \$204,522 to extend through the calendar year of 2016; and 3) a resolution amending the Position Allocation List for corresponding Limited Term positions for Fund Center 142 – Planning and Building. All Districts.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-341, adopted.**

**Consent Agenda - Public Works Items:**

15. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 405 Public Works, by adding a 1.0 Full Time Equivalent (FTE) Engineer I-III, converting an existing 1.0 FTE Civil Engineering Technician I-III to an Engineer I-III classification, and adding a 1.0 FTE Administrative Assistant I-III. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-342, adopted.**

16. Submittal of a resolution commending and thanking Mary Whittlesey for her 23 years of service with the County of San Luis Obispo. All Districts.

**Chairperson Arnold:** reads and presents the resolution to Mary Whittlesey.

**Ms. Whittlesey:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-343, adopted.**

17. Request approval of Parcel Map CO 15-0041, a proposed subdivision resulting in 2 lots by Lot 11 EAP LLC, which has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map; and act on the resolution to approve an avigation easement near the City of San Luis Obispo. District 3.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-344, adopted.**

18. Request approval of Parcel Map COAL 14-0066, a proposed lot line adjustment resulting in 3 lots by Robert William Stringham, Successor Trustee of the Ednal Keining Revocable Trust, which has been received and has satisfied all of the conditions of approval that were established at the public hearing for the proposed lot line adjustment, San Miguel. District 1.

**The Board approves as recommended by the County Administrative Officer.**

19. Request approval of Parcel Map CO 14-0021, a proposed subdivision resulting in 2 lots by 9 On Rockview LLC., which has been received and has satisfied all of the conditions of approval that were established at the public hearing on the tentative map, Avila Beach. District 3.

**The Board approves as recommended by the County Administrative Officer.**

20. Request approval of Parcel Map CO 04-0008, a proposed subdivision resulting in 2 lots by Lerno Family Trust, Whitley Gardens, which has been received and has satisfied all of the conditions of approval that were established at the public hearing on the tentative map; and act on the attached resolution to accept the offer of dedication for road widening, Whitley Gardens. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-345, adopted.**

21. Request approval of Tract 2647, a proposed subdivision resulting in 12 lots and 1 remainder lot, by The Partners of Tract 2647 LLC, which has been received and has satisfied all of the conditions of approval that were established at the public hearing on the tentative map; and act on the resolutions to accept the relinquishment of access, to accept the trail easement, and to accept the Agreement for the payment of Road Improvement Fees, San Miguel. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2015-346, 2015-347 and 2015-348, adopted.**

22. Request approval of Parcel Map CO 08-0155, a proposed subdivision resulting in 4 units for condominium purposes by Avila Beach Villas, LLC, which has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map, Avila Beach. District 3.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Sitting as Flood Control District:**

23. Request to appoint Nick DeBar and Ryan Hayes as the City of Atascadero's member and alternate member to the Paso Robles Groundwater Basin Advisory Committee. All Districts.

**Mr. Greg Grewal:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Social Services Items:**

24. Submittal of a resolution amending the Position Allocation List for Fund Center (FC) 180 – Social Services Administration to add 14.00 FTE positions and eliminate a 0.75 FTE position in various classifications to support implementation of changes to various programs as directed by State and Federal legislation; and request to authorize an associated budget adjustment in the amount of \$1,593,208 to increase expenditure appropriations to cover the cost of these positions and for participant services. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-349, adopted.**

**Consent Agenda - Sheriff - Coroner Items:**

25. Request to authorize a budget adjustment in the amount of \$105,000 in FC 136 – Sheriff-Coroner from the Trial Court Growth Trust Fund to purchase a Camera Storage and Management Software for Court Security and a corresponding amendment to the fixed asset list. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

26. Request to approve a FY 2015-16 contract with In-Custody Transportation Inc. for an estimated annual amount of \$80,600 for Inmate Transportation Services with the option to renew for up to five additional 12 month periods, and authorize the Sheriff-Coroner to sign any routine amendments to the contract. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Pension Trust Items:**

27. Submittal of a resolution approving 1) increases in employee-paid pension contribution rates and employer appropriation rates for San Luis Obispo County Employees Retirement Plan's contracting agency employers per applicable instructions of authorized individuals representing said agencies, and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices for employees in the San Luis Obispo County Courts, the San Luis Obispo County Air Pollution Control District and the San Luis Obispo County Local Agency Formation Commission. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-350, adopted.**

**Public Comment Period:**

28. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Ms. Linde Owen:** presents photographs of the Los Osos Tri-W site; comments on the Los Osos Basin Management Committee; and sewage sludge issues.

**Mr. Gary Kirkland:** addresses concerns regarding the recently approved Property Assessed Clean Energy (PACE) Program.

**Mr. David Weisman - Alliance for Nuclear Responsibility:** discusses the Nuclear Regulatory Commission's (NRC) public comment period regarding emergency planning and security at decommissioned nuclear facilities.

**Mr. Ben DiFatta and Mr. Richard Margetson:** speak to the Needs N' Wishes Fundraiser, with Mr. DiFatta, commenting on Los Osos and Oceano Community Services Districts staff and Mr. Margetson, addressing concerns regarding homelessness.

**Dr. C. Hite:** states land is needed to build "tiny" homes; and addresses development in City of San Luis Obispo.

**Dr. Martin Meltz:** speaks to the Board's ability to adopt a "Declaration of a Shelter Crisis" under Government Code Section 8698 (document) during the upcoming "El Nino" storms.

**Mr. David Broadwater (documents); Mr. Eric Greening; and Mr. Cameron Montalvo:** address various concerns regarding the draft sewage sludge land application ordinance and need for this matter to be agendized.

**Mr. Noel Heal:** comments on an upcoming agenda item regarding Black Lake Golf Resort LLC.

**Mr. Greg Grewall:** discusses the impacts of Assembly Bill 2453.

**Board Members:** directs staff to bring back an update on the proposed draft land application of

sewage sludge ordinance; the Environmental Impact Report (EIR) process; and staff’s response to how they are proceeding with previous Board direction.

**Supervisor Arnold:** addresses the comments by Mr. Weisman, with Mr. Dan Buckshi - County Administrative Officer responding. Furthermore, Supervisor Gibson, states based on staff’s previous work on this issue and with the Board’s direction behind it, the Administration Office could write a comment letter on this specific issue to the NRC, within the public comment period timeframe, without further Board action.

**Hearings:**

29. Hearing to consider protests to a proposed water service charge increase in San Luis Obispo County Service Area No. 23, Santa Margarita Water System, Santa Margarita; and consider adoption of the Ordinance if no majority protest exists. District 5.

**Chairperson Arnold:** opens the floor to written protests without response; opens the floor to public comment without response; and closes the time for submission of written protests.

The Clerk announces 10 written protests have been received which does not constitute a majority.

**The Board holds a hearing to consider protests to the proposed increase in water service charges in County Service Area No. 23; and finds that there is no majority protest based on the absence of a 50% protest since the County has only received 10 written protests for the 520 parcels subject to a rate increase. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3313, an ordinance amending water service charges for San Luis Obispo County Service Area No. 23 (Santa Margarita), adopted.**

**Motion by:** Debbie Arnold  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

30. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (3) San Luis Obispo Government Attorney’s Union (SLOGAU); (4) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (5) Deputy County Counsel’s Association (DCCA); (6) Sheriffs’ Management; (7) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (8) Deputy Sheriff’s Association (DSA); (9) District Attorney Investigators’ Association (DAIA); (10) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (11) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (12) Unrepresented Management and Confidential Employees; and (13) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed

session to: (14) Consider Public Employee Annual Performance Evaluation for the Position of County Counsel.

(Added Closed Session, per the Addendum to the Agenda. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (15) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Arnold: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

31. Submittal of a resolution recognizing Lorena Chavez for her election to the California State Strawberry Commission. All Districts.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-351, a resolution recognizing Lorena Chavez for her election to the California State Strawberry Commission, adopted.

Motion by: Lynn Compton  
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

32. Submittal of a resolution commending Officer Mark Edward Milham for more than 30 years of service to the California Highway Patrol. All Districts.

Officer Mark Edward Milham: speaks.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-352, a resolution commending Officer Mark Edward Milham, #11232, for more than 30 years of service to the California Highway Patrol, adopted.

Motion by: Adam Hill  
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

33. Submittal of a resolution commending Officer Gary Frederic Britton for his 27 years of service to the California Highway Patrol. All Districts.

Chairperson Arnold: opens the floor to public comment without response.

**RESOLUTION NO. 2015-353, a resolution commending Officer Gary Frederic Britton, #12487, 27 years of service to the California Highway Patrol, adopted.**

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**34.** Submittal of a resolution commending Officer Diane Patricia Clark for her 30 years of service to the California Highway Patrol. All Districts.

**Chairperson Arnold:** opens the floor to public comment without response.

**RESOLUTION NO. 2015-354, a resolution commending Officer Diane Patricia Clark for 30 years of service to the California Highway Patrol, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business:**

**35.** Submittal of a report and solicitation of Board direction related to the cultivation of Medical Cannabis (Marijuana), including potential processing of amendments to Titles 22 and 23, the Local Coastal Plan, and the Land Use Element of the General Plan. All Districts.

**Mr. James Bergman – Department of Planning and Building Director:** presents definitions of “Crop Production” in the Land Use Ordinance.

**Mr. Kurt Siegfried; Mr. Simon Caleb; Ms. Patricia Hunt; Ms. Jean Sumrall; Ms. Wendy Brown; Mr. David Gehrt; Mr. Austen Connella; Mr. Dan Shinn; Mr. Eric Greening; Mr. Michael Martin; Mr. David Flannery; Ms. Joy Fitzhugh (letter); Mr. Ben Reed; Mr. Jason Matthews; Mr. Sean Donahoe; Mr. Aaron Johnson – Coastal Growers Association; and Mr. Ernest Hall:** speak.

**Sheriff Ian Parkinson:** expresses his opinion on this matter, at Chairperson Arnold's request.

**Board Members:** discuss Mendocino County’s draft urgency ordinance; the uncertainty of the State’s March 1, 2016 deadline; questions the possible “grandfathered in” issues, timing concerns, and potential CEQA implications, with Mr. Tim McNulty – Assistant County Counsel and Mr. Dan Buckshi - County Administrative Officer responding.

**The Board directs staff to start the process of drafting an urgency ordinance, using Mendocino County's urgency ordinance as the framework; and return in late January, if necessary, to refine the ordinance.**

**Motion by:** Adam Hill  
**Second by:** Bruce S. Gibson



SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearing:

36. Hearing to consider an appeal by Sherri Danoff of the Planning Department Hearing Officer’s approval of a request by Creekside Lofts L.P. for a Minor Use Permit/Coastal Development Permit to allow the construction of a new two-story, 5,058 square foot single family residence to be used as a vacation rental located on Colony Lane within the community of Avila Beach, and consideration of the previously adopted Mitigated Negative Declaration. District 3.

**Ms. Megan Martin – Department of Planning and Building:** amends the Condition of Approval No. 19, Page 10 of 16, to correct reference to “(conditions of approval 16 through 38)” to read “(conditions of approval 27 through 49)”.

**Board Members:** disclose their ex-parte communications regarding this matter.

**Ms. Whitney McDonald – Deputy County Counsel:** states a standard indemnity condition needs to be added to the Conditions of Approval.

**Ms. Sherri Danoff – Appellant (plans):** speaks.

**Ms. Jamie Kirk – representing the Applicant (powerpoint):** addresses the Appellant’s parking concerns, presenting a revised parking site plan, adding additional parking allowing for a total of 6 on-site parking spaces, sufficient parking for 10 guests; and the requests a modification to Condition of Approval No. 3 to increase the tenancy allowance from 8 to 10 occupants, which is consistent with the ordinance requirements.

**Chairperson Arnold:** opens the floor to public comment.

**Ms. Ann Brown – Avila Valley Advisory Council (AVAC):** speaks.

**Ms. Kirk and Ms. Danoff:** provide closing statements.

**Supervisor Hill:** states he hasn’t heard anything that suggests that this project is not meeting expectation standards.

**On motion by Supervisor Adam Hill, seconded by Supervisor Frank R. Mecham, to deny the appeal and approve a revised project, changing Condition of Approval No. 3 from 8 to 10 occupants and 6 on-site parking spaces, is discussed.**

**Supervisor Mecham:** questions if the motion includes the indemnity clause requested by Counsel, with the motion maker responding yes, with Ms. McDonald and Ms. Martin presenting the added indemnity condition (56) and amendments to conditions.

**Clerk:** confirms the revisions to Condition of Approval No. 3, 13, and 19, adding a new No. 56; and adding the word “revised” to the title of the Conditions of Approval - Exhibit B, as presented by staff.

**The Board amends Exhibit B - Condition of Approval to the resolution as follows: adding “revised” to the title; replacing Condition No. 3 to read: “The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom, plus two additional persons, or ten (10) persons total.”; adding language to Condition No. 13 to read: “At the time of application for construction permits plans submitted shall show all development consistent with the approved revised site plan, floor plan, architectural elevations and landscape plan. a. Revised plans shall show six parking spaces.”; correcting a reference in Condition No. 19, by**

replacing “(conditions of approval 16 through 38)” with “(conditions of approval 27 through 49)”.; and adding a new Condition No. 56 to read: “The applicant shall as a condition of approval of this minor use permit at his sole expense defend, indemnify, and hold harmless the County of San Luis Obispo, its present or former officers, agents, or employees, against any claim, action, or proceeding brought by a third party regarding the decision to approve this permit or the manner in which the county is interpreting or enforcing the conditions of this use permit, or any other action by a third party relating to approval or implementation of this use permit. The applicant shall reimburse the county for any costs and/or attorney’s fees which the county incurs as a result of any such action. The county’s participation or non-participation in any such litigation shall not relieve the applicant of his obligations under this condition.” Furthermore, RESOLUTION NO. 2015-355, a resolution denying the appeal of Sherri Danoff and partially affirming the decision of the Planning Department Hearing Officer and conditionally approving the application of Creekside Lofts L.P. for a Minor Use Permit/ Coastal Development Permit DRC2014-00096, adopted as amended.

Motion by: Adam Hill  
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 15, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** January 10, 2016